

PLAT SHOWING EXISTING NON CONFORMING SERVICE GARAGE, USED CAR LOT  
 RESIDENCES DD, DD, DD  
 14TH DISTRICT BALTIMORE CO., MARYLAND  
 DATE: 12-5-79  
 REVISED 5-16-80

**PARKING DATA**

CUSTOMER PARKING - NO. OF SPACES REQ. (1/300) = 11 SPACES  
 NO. OF SPACES PROVIDED = 11 SPACES

DAMAGED AND DISABLED VEHICLES TO BE STORED INSIDE  
 RESTRICTIONS: 80% MAX. CHN.

- (1) Compliance with Petitioners Exhibit 4, including but not limited to written information contained thereon.
- (2) No motor vehicles shall be located or parked within the Street Right of Way
- (3) Compliance with any and all applicable subdivision regulations at such time as the ownership of the property is sold in less than the area shown as

EXISTING USE - SERVICE GARAGE AND USED CAR LOT  
 PROPOSED USE - SAME

EXISTING ZONING - DR 5.5 WITH A NON CONFORMING USE FOR A SERVICE GARAGE  
 PROPOSED ZONING: SAME

AREA OF BLDG. 2107 SQ. FT.  
 AREA OF ENTIRE LOT - 4 AC. ±

AREA OF NON CONFORMING USE - 0.90 AC. ±



PLANS APPROVED  
 OFFICE OF PLANNING AND ZONING  
 DATE: 4/26/81  
 68-261-594

NOTE: GARAGE, DISPLAY AND SERVICE GARAGE HAVE BEEN IN EXISTENCE SINCE 1935 AS SHOWN ON THIS PLAT.  
 FRANK B. LEE  
 1477 NEIGHBORS AVE.  
 BALTIMORE, MD 21207



# PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, WILMER G. GAIL, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a special hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming use (used car sales and service garage).

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

W. G. Gail  
Contract Purchaser  
Address: 8214 Philadelphia Road  
Baltimore, MD 21237  
Alfred L. Brennan  
Petitioner's Attorney  
Address: 825 Eastern Blvd.  
Baltimore, MD 21221

ORDERED By the Zoning Commissioner of Baltimore County, this 12th day of May, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of June, 1980, at 10:00 o'clock A. M.

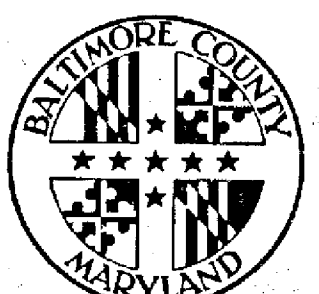
Zoning Commissioner of Baltimore County

(over)

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 13, 1980

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Alfred L. Brennan, Esquire  
825 Eastern Boulevard  
Baltimore, Maryland 21221

Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Police Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

RE: Item No. 182  
Petitioner - Wilmer G. Gail  
Special Hearing Petition

Dear Mr. Brennan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

The subject property, currently zoned D.R. 5.5, is located on the northwest side of Philadelphia Road east of Pine Grove Road in the 15th Election District and is presently improved with a dwelling and combination service garage and used car operation. Adjacent properties consist of vacant land to the east and a church building to the west, while residences exist immediately opposite this site on Philadelphia Road.

This hearing originates from a request by your client to verify the nonconforming status of the existing operation. The description and site plans for this hearing were revised to include the driveway along the east side of the existing dwelling, because it is being used for access to the commercial operation.

It should be clearly noted at the time of the hearing that this property is proposed to be subdivided in the future, and the final order should reflect this future situation if the petition is granted. Particular attention should be afforded to the comments of the Department of Permits and Licenses if it is applicable.

Item No. 182  
Special Hearing, Petition  
June 13, 1980

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari  
Chairman  
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Frank S. Lee  
1377 Neighbors Ave.  
Baltimore, Md. 21237

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.  
DIRECTOR

April 15, 1980

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #182 (1979-1980)  
Property Owner: Wilmer G. Gail  
N/S Philadelphia Rd. 480' N/E Pine Grove Rd.  
Existing Zoning: DR 5.5  
Proposed Zoning: Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.  
Acres: 0.50 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### General:

Baltimore County highway and utility improvements are not directly involved.

Philadelphia Road (Md. 7) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

The entrance locations are also subject to the approval of the Baltimore County Department of Traffic Engineering.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

A fire hydrant is located at the Pine Grove Avenue and Philadelphia Road intersection.

Very truly yours,  
Ellsworth N. Diver, P.E.  
Chief, Bureau of Engineering

END:EAM:FWR:ss  
cc: W. Munchel



Maryland Department of Transportation  
State Highway Administration

James J. O'Donnell  
Secretary  
M. S. Catrider  
Administrator

March 21, 1980

Mr. W. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Md. 21204

Re: Z.A.C. Meeting, March 18, 1980  
ITEM: 182  
Property Owner: Wilmer G. Gail  
Location: NW/S Philadelphia Rd. Route 7, 480' NE Pine Grove Rd.  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Special Hearing to approve the non-conforming use of a used car sales lot and a service garage.  
Acres: 0.50  
District: 15th

Attention: Mr. N. Commodari

Dear Mr. Hammond:

On inspection of the site, it was revealed that used cars are being parked on the State right of way.

The existing right of way is 60' and the future right of way is 70' on Philadelphia Rd.

If the site is found not to be a non-conforming use and special exemptions are granted, then the frontage of the site will have to be improved to meet current State Highway Administration Standards.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

George Wittman  
By: George Wittman

CL:GW:mah

My telephone number is (301) 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3211

JOHN D. SEYFFERT  
DIRECTOR

April 30, 1980

Mr. William Hammond, Zoning Commissioner  
Zoning Advisory Committee  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #182, Zoning Advisory Committee Meeting, March 18, 1980, are as follows:

Property Owner: Wilmer G. Gail  
Location: NW/S Philadelphia Road 480' NE Pine Grove Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.  
Acres: 0.50  
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, III  
John L. Wimbley  
Planner III  
Current Planning and Development



Baltimore County  
Department of Traffic Engineering  
TOWSON, MARYLAND 21204  
13011 494 3550

STEPHEN E. COLLINS  
DIRECTOR

May 6, 1980

Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment on Items 180, 181 and 182 of the Zoning Advisory Committee Meeting of March 18, 1980.

Very truly yours,

Michael S. Flanagan  
Michael S. Flanagan  
Engineer Associate II

MSF/bza



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

1. Petitioner Wilmer G. Gail testified that his father owned the subject property from 1920 to the time of his death in 1928 and repaired motor vehicles in the barn behind the dwelling located thereon.
2. The existing garage (80' x 25') was constructed in 1924 as per Petitioner's Exhibits 1, 2a, 2b, and 2c.
3. Following his father's demise, Mr. Gail continued to operate the garage for the repair of motor vehicles; in 1930, he began using the front portion of the property and garage for the sale of used cars (Petitioner's Exhibit 3).
4. In 1962, Mr. Gail leased the property to Petitioner Richard A. Brewer, who continued the used car sales from the front portion of the garage, but Mr. Gail continued the repair of motor vehicles from the rear portion of the garage.
5. Motor vehicle repairs have continued uninterruptedly since 1920 and used car sales since 1930.
6. The above facts were substantiated by three long-time residents of the area.
7. The finding of a nonconforming use being conducted on the property will not adversely affect the health, safety, and general welfare of the community.

and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of October, 1980, that a nonconforming use as and for a service garage and used car sales has existed and has been conducted on the subject property, as shown on the site plan revised May 16, 1980, and marked Petitioner's Exhibit 4, prior to the adoption of the Baltimore County Zoning Regulations and, as such, should be GRANTED the right to continue from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with Petitioner's Exhibit 4, including but not limited to the written information contained thereon.
2. No motor vehicles shall be located or parked within the street right of way.
3. Compliance with any and all applicable subdivision regulations at such time as the ownership of the property is sold in less than the total area shown on the aforementioned site plan.
4. Approval of said site plan by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including landscaping and screening approval by the Current Planning and Development Division.

Zoning Commissioner of  
Baltimore County

## BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 12, 1980

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: March 18, 1980

RE: Item No: 177, 178, 179, 180, 181, 182  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,  
Wm. Nick Petrovich, Assistant  
Department of Planning

WJP/bp

BALTIMORE COUNTY  
DEPARTMENT OF HEALTH  
TOWSON, MARYLAND 21204  
DONALD J. R. JR., M.D., M.P.H.  
DEPUTY STATE HEALTH OFFICER

May 5, 1980

Mr. William E. Hammond  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #182, Zoning Advisory Committee Meeting of March 18, 1980, are as follows:

Property Owner: Wilmer G. Gail  
Location: NW/S Philadelphia Rd. 480' NE Pine Grove Rd.  
Existing Zoning: D.R. 5-5  
Proposed Zoning: Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.  
Acres: 0.50  
District: 15th

Metropolitan water and sewer exist; therefore, no health hazards are anticipated.

Very truly yours,

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/fth

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
NW/S of Philadelphia Rd., 480'  
NE of Pine Grove Rd., 15th District : OF BALTIMORE COUNTY  
WILMER G. GAIL, Petitioner : Case No. 80-261-SPH

### ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman  
Deputy People's Counsel

John W. Hession, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 17th day of June, 1980, a copy of the foregoing

Order was mailed to Alfred L. Brennan, Esquire, 825 Eastern Boulevard, Baltimore, Maryland 21221, Attorney for Petitioner; and Mr. and Mrs. Richard A. Brewer, 5121 King Avenue, Baltimore, Maryland 21237, Contract Purchasers.

John W. Hession, III

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. REINCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

Re: Property Owner: Wilmer G. Gail

Location: NW/S Philadelphia Rd. 480' NE Pine Grove Rd.

Item No: 182

Zoning Agenda: Committee Meeting  
March 18, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved:  
Planning Group  
Special Inspection Division

Fire Prevention Bureau

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

October 27, 1980

Alfred L. Brennan, Esquire  
825 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing  
NW/S of Philadelphia Road, 480'  
NE of Pine Grove Road - 15th  
Election District  
Wilmer G. Gail - Petitioner  
NO. 80-261-SPH (Item No. 182)

Dear Mr. Brennan:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH/arl

Attachments

cc: Mr. Jerome P. Buckner  
8230 Philadelphia Road  
Baltimore, Maryland 21237

John W. Hession, III, Esquire  
People's Counsel

BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICEN.  
TOWSON, MARYLAND 21204  
494-3066

TED JAKEMIR, JR.  
DIRECTOR

April 1, 1980

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #182, Zoning Advisory Committee Meeting, March 18, 1980 are as follows:

Property Owner: Wilmer G. Gail  
Location: NW/S Philadelphia Road 480' NE Pine Grove Road  
Existing Zoning: D.R. 5-5  
Proposed Zoning: Special Hearing to approve the nonconforming use of a used car sales lot and a service garage.

Acres: 0.50  
District: 15th

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
  - B. A building/\_\_\_\_\_ permit shall be required before beginning construction.
  - C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required.
  - D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
  - E. In wood frame construction an exterior wall erected within 6' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 6" masonry firewall is required if construction is on the lot line.
  - F. Requested variance conflicts with the Baltimore County Building Code, Section/s \_\_\_\_\_.
  - G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
  - H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed complies with the height/area requirements of Table 305 and the required construction classification of Table 211.
- X 1. Comments - Unless it can be proven both occupancies existed prior to the adoption of a Building Code, a fire wall separation shall be provided between tenants.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Surman  
Charles E. Surman, Chief  
Plans Review

(CB:rr)

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

WILLIAM E. HAMMOND  
ZONING COMMISSIONER

June 16, 1980

Alfred L. Brennan, Esquire  
825 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Special Hearing  
NW/S Philadelphia Rd., 480' NE of  
Pine Grove Road  
Wilmer G. Gail - Case No. 80-261-SPH

Dear Mr. Brennan:

This is to advise you that \$50.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

WILLIAM E. HAMMOND  
Zoning Commissioner

WEH:aj







